

OCT 17 2011

MEMO



Senate of Pennsylvania
October 13, 2011

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship – **Pennsylvania Commission on Conviction Integrity Act**

As a part of its report to the Senate, the Joint State Government Commission's Advisory Committee on Wrongful Convictions made a recommendation to "establish a commission to retrospectively inquire into the causes of a wrongful conviction after someone is exonerated based on a finding of actual innocence. The commission would also annually review and report conviction integrity reforms and best practices." Based on this recommendation, I am introducing a bill to establish a conviction integrity commission. The legislation will be known as the Pennsylvania Commission on Conviction Integrity Act.

The legislation provides a mechanism for investigating cases in Pennsylvania in which an innocent person is found to have been wrongly convicted and for recommending procedures to prevent similar recurrences. By studying practices and changes in criminal justice systems nationally, the legislation is intended to improve the quality, efficiencies and resources of law enforcement in the execution of their duties.

Whenever the Board of Pardons or a court releases a person based upon a finding of actual innocence, the commission shall conduct an inquiry into the causes of the wrongful conviction. In addition, the commission shall annually review conviction integrity reforms introduced by statute, rule or best practices and report its findings to the House and Senate judiciary committees.

Members of the commission shall include the Attorney General or a designee, the Chief Justice or a designee, a member of the Commonwealth's Forensic Science Advisory Board, a member appointed by the Senate President pro tempore, a member appointed by the Senate Minority Leader, a member appointed by the Speaker of the House, a member appointed by the House Minority Leader, and a member appointed by the Governor. While members shall receive no compensation, they may be reimbursed for actual reasonable expenses. The members shall elect a chairperson.

The legislation also provides for a director and other staff deemed necessary to carry out the duties of the commission. However, the advisory committee's report suggests that instead of a fulltime staff, the work of the commission might be conducted through a contract with a law school professor and the annual report could be prepared at modest expense.

The proceedings and records of the commission shall be held in confidence and may not be subject to discovery or introduction into evidence in any action arising out of the matters that are the subject of the evaluation and review. However, information, documents and records otherwise available from original sources are not to be construed as immune from discovery or use simply because they were presented during commission proceedings.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.